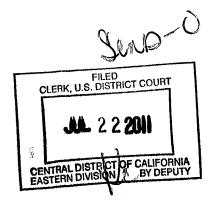
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UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	Case No.: // / 7 4 8
Plaintiff, v. Robert Franco - Arras Defendant.	ORDER OF PRETRIAL DETENTION (18 U.S.C. §§ 3142(e), (i))
A () On motion of the Governr	I.

- - a crime of violence, a violation of 18 U.S.C. § 1591, or an () 1. offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of ten years or more is prescribed.
 - an offense for which the maximum sentence is life 2. () imprisonment or death.
 - () an offense for which a maximum term of imprisonment of ten 3. years or more is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act, or the Maritime Drug Law Enforcement Act.

1		4.	()	any :	felony if defendant has been convicted of two or more
2				offer	nses described above, two or more state or local offenses
3				that	would have been offenses described above if a
4				circu	imstance giving rise to federal jurisdiction had existed, or a
5				com	bination of such offenses
6		5.	()	any i	felony that is not otherwise a crime of violence that
7				invo	lves a minor victim, or that involves possession or use of a
8				firea	rm or destructive device or any other dangerous weapon,
9				or th	at involves a failure to register under 18 U.S.C § 2250.
10	В.	On r	notion	(X) b	y the Government / () of the Court sua sponte in a case
11		that	involv	es:	
12		1.	(X)	a ser	ious risk defendant will flee.
13		2.	()	a ser	ious risk defendant will:
14			a.	()	obstruct or attempt to obstruct justice.
15			b.	()	threaten, injure or intimidate a prospective witness or
16					juror, or attempt to do so.
17	C.	The	Goveri	nment	() is / (x) is not entitled to a rebuttable presumption that
18		no condition or combination of conditions will reasonably assure			
19	defendant's appearance as required and the safety or any person or the				
20	community.				
21					
22					II.
23		The	Court 1	inds th	nat no condition or combination of conditions will
24	reasonably assure:				
25	A.	()	the a	ppeara	nce of defendant as required.
26	B.	(<u>v</u>)	the s	afety o	f any person or the community.
27		i			
28					

1	jj	111.						
2	The Court has considered:							
3	A.	the nature and circumstances of the offense(s) charged;						
4	В.	the weight of the evidence against defendant;						
5	C.	the history and characteristics of defendant; and						
6	D.	the nature and seriousness of the danger to any person or the community						
7		that would be posed by defendant's release.						
8		IV.						
9		The Court has considered all the evidence proffered and presented at the						
10	heari	nearing, the arguments and/or statements of counsel, and the Pretrial Services						
11	Repo	eport and recommendation.						
12		V.						
13		The Court concludes:						
14	A.	(x) Defendant poses a serious flight risk based on:						
15		(x) information in Pretrial Services Report and Recommendation						
16		(x) other: <u>Complain</u> t						
17		·						
18								
19	В.	Defendant poses a risk to the safety of other persons and the						
20		community based on:						
21		information in Pretrial Services Report and Recommendation						
22		(X) other: Conflaint						
23								
24								
25	C.	() A serious risk exists that defendant will:						
26	•	1. () obstruct or attempt to obstruct justice,						
27		2. () threaten, injure, or intimidate a witness/juror, or attempt to do so,						
28								

1		based on:
2		
3		
4		
5	D.	() Defendant has not rebutted by sufficient evidence to the contrary the
6		presumption provided in 18 U.S.C. § 3142(e) that no condition or
7		combination of conditions will reasonably assure the appearance of
8		defendant as required.
9	E.	() Defendant has not rebutted by sufficient evidence to the contrary the
10		presumption provided in 18 U.S.C. § 3142(e) that no condition or
11		combination of conditions will reasonably assure the safety of any
12		other person and the community.
13		VI.
14	A.	IT IS THEREFORE ORDERED that defendant be detained prior to trial.
15	В.	IT IS FURTHER ORDERED that defendant be committed to the custody of
16		the Attorney General for confinement in a corrections facility separate, to
17		the extent practicable, from persons awaiting or serving sentences or being
18	·	held in custody pending appeal.
19	C.	IT IS FURTHER ORDERED that defendant be afforded reasonable
20		opportunity for private consultation with counsel.
21	D.	IT IS FURTHER ORDERED that, on order of a Court of the United States
22		or on request of an attorney for the Government, the person in charge of the
23		corrections facility in which defendant is confined deliver defendant to a
24		United States Marshal for the purpose of an appearance in connection with a
25		court proceeding.
26	DATI	ED: 7-22-11
27	DAH	HONORABLE SHERI PYM United States Magistrate Judge
28		Office States Magistrate Judge